UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

JOHN A. SPEIS,

DEBTOR, CASE NO. 15-24674-CMB

CHAPTER 13 VS.

JOHN A. SPEIS, **DOCUMENT NO. 84**

MOVANT,

AES/PHEAA; **AES PHEAA** REHABS; AMY J. SPEIS; ATTY. PAULA CIALELLA; BANK OF **OKLAHOMA MORTGAGE;** CAPITAL ONE: CAPITAL ONE BANK USA, NA; CALVARY PORTFOLIO SERVICES; CBNA; CHASE; CITI; CITI-BP OIL; CONVERGENT; CREDIT ACCEP-TANCE; CREDIT ONE BANK, NA; DAVID WAGNER; DISCOVER FINANCIAL SERVICES LLC; EASTERN ACCOUNT SYSTEM: ENHANCED RECOVERY CO.; FIRST NATIONAL BANK OF PA; HERTZ LOCAL EDITION; **HLADIK, ONORATO &** FEDERMAN, LP; HSBC AUTO; HSBC BANK; HSBC BANK, USA; HSBC/SCUSA; IC SYSTEM, INC.; JAMESON HEALTH SYSTEM; LAWRENCE COUNTY SHERIFF; LAWRENCE COUNTY PROTHO-NOTARY; MCYDSNB; MDJ MELISSA AMODIE; MIDLAND **FUNDING; NCB (CITI FIN. AUTO)** OMNI MANAGEMENT& ASSOC.; PORTFOLIO RECOVERY ASSOCIATES; SANTANDER

CONSUMER USA; SELECT

PORTFOLIO SERVICINGS, INC.; SHENANGO CHINA EFCU; SNOW & SNOW, PC. SPRINGLEAF
FINANCIAL; SYNCB/LORD &
TAYLOR; SYNCB/PLCC; TARGET
TWIN AIR HEATING &
COOLING; VERIZON; WEB
BANK; WELLS FARGO HOME
MORTGAGE; WF CARD SVS.;
WFDILLARDS; ZUCKER,
GOLDBERG & ACKERMAN,
RONDA J. WINNECOUR,
TRUSTEE; UNITED STATES

RESPONDENTS.

NOTICE OF PROPOSED MODIFICATION TO CONFIRMED PLAN DATED MAY 10, 2019

- 1. Pursuant to 11 U.S.C. §1329, the Debtor has filed an Amended Chapter 13
 Plan dated December 21, 2020, which is annexed hereto as Exhibit "A" (the
 Amended Chapter 13 Plan"). Pursuant to the Amended Chapter 13 Plan,
 the Debtor seeks to modify the confirmed Plan in the following Particulars:
- 2. Decrease payment from \$1,500.00 per month to \$332.11.
- 3. Increase the Plan payments for an additional 24 months due to Covid 19.
- 4. The proposed modification to the confirmed Plan will impact the treatment of the claims of the following creditors in the following particulars:

 NONE.
- 5. The Debtor submits that the requested modification is being proposed in good faith, and not for any means prohibited by applicable law. The Debtor further submits that the proposed modification complies with 11 U.S.C. §§1322(a), 1322(b) 1325(a) and 1329, and except as set forth above, there are no other modifications sought by way of the Amended Chapter 13 Plan.

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WHEREFORE, the Debtor respectfully requests that the Court enter an Order confirming the Amended Chapter 13 Plan, and for such other relief the Court deems equitable and just.

RESPECTFULLY SUBMITTED, this 21st day of December, 2020.

/s/ Louis Pomerico, Esquire
Louis Pomerico, Esquire
PA. I.D. NO. 22855
Attorney for Debtor
2910 Wilmington Road
New Castle, PA 16105
(724) 658-7759
info@pomericolaw.com

Case 15-24674-CMB Doc 84 Filed 12/21/20 Entered 12/21/20 14:05:55 Desc Main Page 4 of 12 Document Fill in this information to identify your case John A. Speis Debtor 1 First Name Middle Name Last Name Debtor 2 First Name Middle Name (Spouse, if filing) Last Name United States Bankruptcy Court for the: WESTERN DISTRICT OF Check if this is an amended plan, and **PENNSYLVANIA** list below the sections of the plan that Case number: 15-24674 have been changed. (If known) 2 amended 24 additional mos. 2.1 payment decreased to 332.11 Western District of Pennsylvania Chapter 13 Plan Dated: December 21, 2020 Part 1: Notices To Debtor(s): This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances. Plans that do not comply with local rules and judicial rulings may not be confirmable. The terms of this plan control unless otherwise ordered by the court. In the following notice to creditors, you must check each box that applies **To Creditors:** YOUR RIGHTS MAY BE AFFECTED BY THIS PLAN. YOUR CLAIM MAY BE REDUCED, MODIFIED, OR ELIMINATED. You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. IF YOU OPPOSE THIS PLAN'S TREATMENT OF YOUR CLAIM OR ANY PROVISION OF THIS PLAN, YOU OR YOUR ATTORNEY MUST FILE AN OBJECTION TO CONFIRMATION AT LEAST SEVEN (7) DAYS BEFORE THE DATE SET FOR THE CONFIRMATION HEARING, UNLESS OTHERWISE ORDERED BY THE COURT. THE COURT MAY CONFIRM THIS PLAN WITHOUT FURTHER NOTICE IF NO OBJECTION TO CONFIRMATION IS FILED. SEE BANKRUPTCY RULE 3015. IN ADDITION, YOU MAY NEED TO FILE A TIMELY PROOF OF CLAIM TO BE PAID UNDER ANY PLAN. The following matters may be of particular importance. **Debtor(s)** must check one box on each line to state whether the plan includes each of the following items. If the "Included" box is unchecked or both boxes are checked on each line, the provision will be ineffective if set out later in the plan. 1.1 A limit on the amount of any claim or arrearages set out in Part 3, which may result **✓** Included Not Included in a partial payment or no payment to the secured creditor (a separate action will be required to effectuate such limit) 1.2 Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, Included **✓** Not Included set out in Section 3.4 (a separate action will be required to effectuate such limit) 1.3 Nonstandard provisions, set out in Part 9 Included **✓** Not Included Plan Payments and Length of Plan; Payments increased for additional 24 months due to Covid-19 2.1 **Debtor(s)** will make regular payments to the trustee: Total amount of \$332.11 per month for a remaining plan term of 24 months shall be paid to the trustee from future earnings as follows: Payments: By Income Attachment Directly by Debtor By Automated Bank Transfer \$332.11 for remaining 24 D#1

2.2 Additional payments.

D#2

(Income attachments must be used by Debtors having attachable income)

\$

(SSA direct deposit recipients only)

\$

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Debtor		John A. Spei	s		Ca	se number1	5-24674	
		Unpaid Fili available fur		ee of \$ shall	be fully paid by the Tru	istee to the Clerk	of the Bankruptcy cou	rt form the first
Chec	k one.							
	✓	None. If "No	one" is checked, the	rest of § 2.2 need	not be completed or re	produced.		
2.3			be paid into the pla ources of plan fun			e trustee based (on the total amount of	plan payments
Part 3:	Trea	tment of Secur	ed Claims					
3.1	Main	tenance of payn	nents and cure of o	lefault, if any, on	Long-Term Continui	ng Debts.		
	Check	one.						
	✓	The debtor(s) required by the trustee. Any efform the autor	will maintain the contraction applicable contraction arrearage of matic stay is ordereunder this paragraph	urrent contractual et and noticed in c a a listed claim wi d as to any item of	conformity with any app ll be paid in full throug f collateral listed in this	on the secured cla plicable rules. The h disbursements a paragraph, then,	ims listed below, with a ese payments will be di by the trustee, without a unless otherwise order sed on that collateral wi	isbursed by the interest. If relief ed by the court,
Name o	f Cred	itor	Collate	eral	Current inst payment (including es		Amount of arrearage (if any)	Start date (MM/YYYY)
нѕвс			Pittsb Castle Lawre	# 5 3007 Old urgh Rd. New e, PA 16105 ence County		\$779.75	\$25,226.20	
Insert ad	ditional	claims as neede	ed.					
3.2	Requ	est for valuation	n of security, paym	nent of fully secui	red claims, and modifi	cation of under	secured claims.	
	Check	one.						
					2 need not be complete a only if the applicable		this plan is checked.	
	✓	The debtor(s listed below.		ling a separate ad	versary proceeding, the	at the court deter	mine the value of the se	ecured claims
			unt of secured clain	, , ,			is should be as set out in I be paid in full with in	
		5. If the amo	unt of a creditor's s n unsecured claim u	ecured claim is lis	sted below as having no	value, the credit	ated as an unsecured cl tor's allowed claim will obtained through an ad	be treated in its
Name o		Estimated amount of creditor's total claim (see Para. 8.7 below)	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Amount of secuciaim	1	Monthly payment to creditor
WestLa Financ Service	ial	\$11,224.3 6	2012 Volkswagon Jetta	\$11,224.36	\$0.00	\$11,224	.36 17.29%	\$233.01
PAWB L	ocal F	orm 10 (12/17)			Chapter 13 Plan			Page 2

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Debtor	J	ohn A. Speis	Case number	15-24674	
Insert ad	ditional c	aims as needed.			
3.3	Secured	claims excluded from 11 U.S.C. § 506.			
Chec	ek one. ✓	None . If "None" is checked, the rest of Section 3.3 is	need not be completed or repro	duced.	
3.4	Lien av	pidance.			
Check or	ne. ✓	None. If "None" is checked, the rest of § 3.4 need n effective only if the applicable box in Part 1 of this		. The remainder of this secti	ion will be
3.5	Surrend	ler of collateral.			
	Check o	ne.			
	✓ T tl 1	fone. If "None" is checked, the rest of Section 3.5 nearly he debtor(s) elect to surrender to each creditor listed nat upon confirmation of this plan the stay under 11 U.S.C. § 1301 be terminated in all respects. Any all reated in Part 5.	below the collateral that secure J.S.C. § 362(a) be terminated a	es the creditor's claim. The do s to the collateral only and th	at the stay under
Name o	of Credito	r	Collateral (HOUSE FORECLOSED)	DECEASED MOTHERS I	ESTATE - 1009
		Bank of PA	SUMMIT ST., NEW CAST	LE, PA	
Shena	ngo Chir	na Efcu	2008 vw passat was sur	rendered on July 2018	
3.6		tax claims. uthority Total amount of claim Type of tax	Interest Rate*	Identifying number(s) if collateral is real estate	Tax periods
-NONE					
		aims as needed.			
		claims of the Internal Revenue Service, Commonwea	141 - £ Dl:	h	
		n effect as of the date of confirmation.	itti of Pennsylvania and any ot	ner tax ciaimants shan bear i	merest at
Part 4:	Treatm	nent of Fees and Priority Claims			
4.1	General				
		s fees and all allowed priority claims, including Dom ithout postpetition interest.	estic Support Obligations other	r than those treated in Section	1 4.5, will be paid
4.2	Trustee	's fees			
	and pub	s fees are governed by statute and may change during ish the prevailing rate on the court's website. It is inc n the percentage fees to insure that the plan is adequate	cumbent upon the debtor(s)' att		
4.3	Attorne	y's fees.			
	reimburs	r's fees are payable to Louis R. Pomerico . In addit se costs advanced and/or a no-look costs deposit) alre se of \$319.71 per month. Including any retainer paid,	ady paid by or on behalf of the	debtor, the amount of \$2,23	8.00 is to be paid

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Debtor	John A. Speis		Case number	15-24674				
	compensation above the any additional amount wi	no-look fee. An additional \$ 0.00 ill be paid through the plan, and thi	e no-look fee and costs deposit and pr will be sought through a fee appl s plan contains sufficient funding to p to holders of allowed unsecured clair	ication to be filed and pay that additional an	d approved before			
		ticipation in the court's Loss Mitig	n Local Bankruptcy Rule 9020-7(c) is ation Program (do not include the no-					
4.4	Priority claims not treat	ed elsewhere in Part 4.						
Insert ad	None . If "None ditional claims as needed	" is checked, the rest of Section 4.4	a need not be completed or reproduce	d.				
4.5	Priority Domestic Supp	ort Obligations not assigned or o	wed to a governmental unit.					
	If the debtor(s) is/are currently paying Domestic Support Obligations through existing state court order(s) and leaves this section blank, t debtor(s) expressly agrees to continue paying and remain current on all Domestic Support Obligations through existing state court orders							
	Check here if this pay	ment is for prepetition arrearages of	only.					
	f Creditor the actual payee, e.g. PA	Description SCDU)	Claim		nthly payment or rata			
None								
Insert ad	ditional claims as needed.							
4.6	Check one.	gations assigned or owed to a gov " is checked, the rest of § 4.6 need	ernmental unit and paid less than f not be completed or reproduced.	ull amount.				
4.7	Priority unsecured tax	claims paid in full.						
Name o	f taxing authority	Total amount of claim	Type of Tax	Interest rate (0% If blank)	Tax Periods			
-NONE	-	_	_					
Insert ad	ditional claims as needed.							
Part 5:	Treatment of Nonprior	rity Unsecured Claims						
5.1	Nonpriority unsecured	claims not separately classified.						
	Debtor(s) ESTIMATE(S) that a total of \$2,761.50 will be available for distribution to nonpriority unsecured creditors.							
		DGE(S) that a MINIMUM of \$ 0.0 0 mation set forth in 11 U.S.C. § 132	D shall be paid to nonpriority unsecur 5(a)(4).	ed creditors to compl	y with the liquidation			
	available for payment to estimated percentage of p	these creditors under the plan base bayment to general unsecured credi	AUM amount payable to this class of will be determined only after audit of tors is 0.00 %. The percentage of pay I unless all timely filed claims have b	the plan at time of c ment may change, ba	ompletion. The sed upon the total			

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.

identified elsewhere in this plan are included in this class.

claims will be paid pro-rata unless an objection has been filed within thirty (30) days of filing the claim. Creditors not specifically

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Debtor	John A. Speis Case number 15-24674
Check or	<u>.</u>
	None. If "None" is checked, the rest of § 5.2 need not be completed or reproduced.
5.3	Postpetition utility monthly payments.
combined for the li	payment for postpetition utility services, any postpetition delinquencies, and unpaid security deposits. The claim payment will not change of the plan. Should the utility obtain an order authorizing a payment change, the debtor(s) will be required to file an amended plan. These may not resolve all of the postpetition claims of the utility. The utility may require additional funds from the debtor(s) after discharge.
Name o	Creditor Monthly payment Postpetition account number
Insert ad	itional claims as needed.
5.4	Other separately classified nonpriority unsecured claims.
	Check one.
	None. If "None" is checked, the rest of § 5.4 need not be completed or reproduced.
Part 6:	Executory Contracts and Unexpired Leases
6.1	The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.
	Check one.
	None. If "None" is checked, the rest of § 6.1 need not be completed or reproduced.
Part 7:	Vesting of Property of the Estate
7.1	Property of the estate shall not re-vest in the debtor(s) until the debtor(s) have completed all payments under the confirmed plan.
Part 8:	General Principles Applicable to All Chapter 13 Plans
8.1	This is the voluntary chapter 13 reorganization plan of the debtor(s). The debtor(s) understand and agree(s) that the chapter 13 plan may be extended as necessary by the trustee (up to any period permitted by applicable law) to insure that the goals of the plan have been achieved. Notwithstanding any statement by the trustee's office concerning amounts needed to fund a plan, the adequacy of plan funding in order to meet the plan goals remains the sole responsibility of debtor(s) and debtor(s)' attorney. It shall be the responsibility of the debtor(s) and debtor(s)' attorney to monitor the plan in order to ensure that the plan remains adequately funded during its entire term.
8.2	Prior to the meeting of creditors, the debtor(s) shall comply with the tax return filing requirements of 11 U.S.C § 1308 and provide the trustee with documentation of such compliance by the time of the meeting. Debtor(s)' attorney or debtor(s) (if pro se) shall provide the trustee with the information needed for the trustee to comply with the requirements of 11 U.S.C. § 1302 as to the notification to be given to Domestic Support Obligation creditors, and debtor(s)' attorney or debtor(s) (if pro se) shall provide the trustee with the calculations relied upon to determine the debtor(s)' current monthly income and disposable income.
8.3	The debtor(s) shall have a duty to inform the trustee of any assets acquired while the chapter 13 case is pending, such as insurance proceeds, recovery on any lawsuit or claims for personal injury or property damage, lottery winnings, or inheritances. The debtor(s) must obtain prior court approval before entering into any postpetition financing or borrowing of any kind, and before selling any assets.

8.4 Unless otherwise stated in this plan or permitted by a court order, all claims or debts provided for by the plan to receive a distribution shall be paid by and through the trustee.

8.5 Percentage fees to the trustee are paid on receipts of plan payments at the rate fixed by the United States Trustee. The trustee has the discretion to adjust, interpret, and implement the distribution schedule to carry out the plan, provided that, to the extent the trustee seeks a material modification of this plan or its contemplated distribution schedule, the trustee must seek and obtain prior authorization of the court. The trustee shall follow this standard plan form sequence unless otherwise ordered by the court:

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Debto	or John A. S	Speis	Case number	15-24674
	Level One: Level Two:	Unpaid filing fees. Secured claims and lease payments entitle	ed to 11 U.S.C. § 1326(a)(1)(C) pre	e-confirmation adequate protection
	Level Three:	payments. Monthly ongoing mortgage payments, on postpetition utility claims.	going vehicle and lease payments,	installments on professional fees, and
	Level Four: Level Five: Level Six: Level Seven: Level Eight:	Priority Domestic Support Obligations. Mortgage arrears, secured taxes, rental and All remaining secured, priority and special Allowed nonpriority unsecured claims. Untimely filed nonpriority unsecured claims.	ally classified claims, and miscellar	
8.6		the debtor(s)' eligibility to receive a dischar Local Bankruptcy Form 24 (Debtor's Certifical colan payment.		
8.7	accordance with E of claim, the amou contained in this p timely files its ow	or payment to secured, priority, and specially Bankruptcy Rule 3004. Proofs of claim by the unts stated in the plan for each claim are corplan with regard to each claim. Unless other or claim, then the creditor's claim shall gove object. The trustee is authorized, without property of the proof of the pr	trustee will not be required. In the trolling. The clerk shall be entitled wise ordered by the court, if a securn, provided the debtor(s) and debt	e absence of a contrary timely filed proof to rely on the accuracy of the information red, priority, or specially classified creditor or(s)' attorney have been given notice and
8.8	Any creditor who	se secured claim is not modified by this plan	and subsequent order of court sha	Il retain its lien.
8.9	discharged under whichever occurs	se secured claim is modified or whose lien i 11 U.S.C. § 1328 or until it has been paid th earlier. Upon payment in accordance with the creditor shall promptly cause all mortgages, eleased.	e full amount to which it is entitled hese terms and entry of a discharge	l under applicable nonbankruptcy law, order, the modified lien will terminate and
8.10	bar date. LATE-F	Sections 8.8 and 8.9 will also apply to allow FILED CLAIMS NOT PROPERLY SERVE PRO SE) WILL NOT BE PAID. The response.	ED ON THE TRUSTEE AND THI	E DEBTOR(S)' ATTORNEY OR
Part 9	Nonstandard Pla	an Provisions		
9.1		r List Nonstandard Plan Provisions f "None" is checked, the rest of Part 9 need i	not be completed or reproduced.	
Part 1	0: Signatures:			
10.1	Signatures of Del	btor(s) and Debtor(s)' Attorney		
	debtor(s) do not have (s), if any, must sign l	an attorney, the debtor(s) must sign below; below.	otherwise the debtor(s)' signatures	are optional. The attorney for the
plan(s treatm	o,order(s) confirming ent of any creditor cla	dersigned, as debtor(s)' attorney or the debtor prior plan(s), proofs of claim filed with the caims, and except as modified herein, this proshall subject the signatories to sanctions und	court by creditors, and any orders of posed plan conforms to and is cons	of court affecting the amount(s) or
13 pla Wester the sta	n are identical to thos rn District of Pennsyl	btor(s)' attorney or the debtor(s) (if pro se), se contained in the standard chapter 13 pla lvania, other than any nonstandard provisi ill not become operative unless it is specific	in form adopted for use by the Uni ons included in Part 9. It is furthe	ited States Bankruptcy Court for the racknowledged that any deviation from
	s/ John A. Speis		<i>X</i>	
	John A. Speis		Signature of Debtor 2	

Signature of Debtor 1

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Debtor John A. Speis	Case number 15-24674
Executed on December 21, 2020	Executed on
X /s/ Louis R. Pomerico	Date December 21, 2020
Louis R. Pomerico	
Signature of debtor(s)' attorney	

PAWB Local Form 10 (12/17)

UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

JOHN A. SPEIS,

DEBTOR, : CASENO. 15-24674-CMB

•

VS. : CHAPTER 13

JOHN A. SPEIS, : DOCUMENT NO. 84

MOVANT, :

,

AES/PHEAA; AES PHEAA REHABS; AMY J. SPEIS; ATTY. PAULA CIALELLA; BANK OF OKLAHOMA MORTGAGE; CAPITAL ONE; CAPITAL ONE

BANK USA, NA; CALVARY
PORTFOLIO SERVICES; CBNA;
CHASE; CITI; CITI-BP OIL;

CONVERGENT; CREDIT ACCEP-TANCE; CREDIT ONE BANK, NA;

DAVID WAGNER; DISCOVER FINANCIAL SERVICES LLC; EASTERN ACCOUNT SYSTEM;

ENHANCED RECOVERY CO.; FIRST NATIONAL BANK OF PA;

HERTZ LOCAL EDITION; : HLADIK, ONORATO & :

FEDERMAN, LP; HSBC AUTO;
HSBC BANK; HSBC BANK, USA;
HSBC/SCUSA, IC SYSTEM, INC.

HSBC/SCUSA; IC SYSTEM, INC.; JAMESON HEALTH SYSTEM; LAWRENCE COUNTY SHERIFF; LAWRENCE COUNTY PROTHO-

NOTARY; MCYDSNB; MDJ
MELISSA AMODIE; MIDLAND
FUNDING; NCB (CITI FIN. AUTO)

OMNI MANAGEMENT& ASSOC.; : PORTFOLIO RECOVERY : ASSOCIATES; SANTANDER :

CONSUMER USA; SELECT
PORTFOLIO SERVICINGS, INC.;
SHENANGO CHINA EFCU; SNOW
:

& SNOW, PC. SPRINGLEAF
FINANCIAL; SYNCB/LORD &

TAYLOR; SYNCB/PLCC; TARGET
TWIN AIR HEATING &

COOLING; VERIZON; WEB
BANK; WELLS FARGO HOME
MORTGAGE; WF CARD SVS.;
WFDILLARDS; ZUCKER,
GOLDBERG & ACKERMAN,
RONDA J. WINNECOUR,
TRUSTEE; UNITED STATES

RESPONDENTS. :

CERTIFICATE OF SERVICE

I hereby certify that under penalty of perjury that I am, and at all times hereinafter mentioned was more that 18 years of age and that on or about December 21, 2020. I served a copy of the Notice of Proposed Modification to Confirmed Plan and the Amended Plan dated December 21, 2020, to all creditors listed on the mailing matrix and electronically to the Trustee(s), listed below.

Office of the United States Trustee cmecf@chapter13trustee.wdpa.com

Ronda J. Winnecour, Chapter 13 Trustee Ustpregion03.pi.ecf@usdoj.gov

Louis Pomerico, Esq.
Louis Pomerico, Esq.
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724-658-7759
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